United Nations E/C.12/2014/SR.17

Economic and Social Council

Distr.: General
16 May 2014

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the 17th meeting
Held at the Palais Wilson, Geneva, on Thursday, 8 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of China (continued)

Third periodic report of Hong Kong, China (continued)

Second periodic report of Macao, China (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-43334 (E) 120514 160514

1443334

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of China (continued) (E/C.12/CHN/2; E/C.12/WG/CHN/Q/2 and Add.1-3; HRI/CORE/CHN/2010)

Third periodic report of Hong Kong, China (continued) (E/C.12/CHN-HKG/3; E/C.12/WG/CHN/Q/2 and Add.2; HRI/CORE/CHN-HKG/2013)

Second periodic report of Macao, China (continued) (E/C.12/CHN-MAC/2; E/C.12/WG/CHN/Q/2 and Add.3; HRI/CORE/CHN-MAC/2010)

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*

2. **Mr. Wu** Hailong said that the Chinese delegation included representatives of the authorities of the Hong Kong Special Administrative Region and the Macao Special Administrative Region, as well as high-level representatives inter alia from the Supreme People's Court, the United Front Work Department, central State ministries responsible for education, civil affairs, human resources and social security and culture, State bodies dealing with ethnic affairs, health and family planning, religious affairs, information policy and women and children's affairs and other relevant government agencies.

3. In October 2009 an interdepartmental coordinating body had been set up under the leadership of the Ministry of Foreign Affairs to examine the issues covered by the Covenant, thanks to which the Government had submitted its second periodic report and replies to the list of issues on time and had coordinated the drafting and submission of the periodic reports and replies from Hong Kong, China and Macao, China. The Government had held consultations with nearly 20 NGOs, including the Chinese Academy of Social Sciences and the All-China Women's Federation, and had also sought public input through the website of the Ministry of Foreign Affairs.

4. China had made efforts to further improve the legal framework for economic, social and cultural rights. The phrase "the State shall respect and protect human rights" had been introduced into the Constitution in 2004, marking a milestone in the endeavour to protect human rights and promote the rule of law, and human rights strategies had been incorporated into the eleventh and twelfth national plans for economic and social development. Prompted by the recommendation issued by the Committee in 2005, the Government had launched two national human rights action plans, in 2009 and 2012. The third plenary session of the Eighteenth Central Committee of the Chinese Communist Party had in 2003 taken far-reaching decisions to improve the protection of human rights in the judicial system.

5. The rights to subsistence and development were constantly given the highest priority. Between 2003 and 2012, the economy had grown by an average of 10 per cent per year, and the disposable income of the urban population and net income of people living in rural areas had both increased significantly. China had become the first country to reach the poverty reduction objective of the Millennium Development Goals, and it had done so ahead of schedule. Increased food production and new laws and bodies devoted to food safety had contributed to the realization of the right to food, and affordable urban housing projects had met the needs of over 36 million households.

6. The Government was now turning its attention to regularizing the situation of rural people who had moved to cities and towns, renovating shanty towns and assisting in the

urbanization of the central and western regions. Each of those three initiatives would benefit some 100 million people.

7. In 2007 China had adopted the Employment Promotion Act, which had instituted a system of employment assistance and a public employment service. Following the 2008 financial crisis, the Government had invested some 4 trillion yuan renminbi (RMB) in various projects, 65 per cent of which were aimed at maintaining and improving the standard of living. The first national plan on employment promotion was currently under way, covering the period until 2015. Under the basic old-age pension scheme, coverage was steadily expanding, and the systems for people registered in urban and rural areas had recently been consolidated so as to ensure equity of treatment for all people working in cities and to revamp the social security system in the countryside.

8. China spared no effort to ensure the right to education and cultural rights. Numerous laws had been adopted addressing inter alia compulsory education, vocational training and private schooling, and a nine-year compulsory education system had been established covering the entire population, free of charge. The Government had invested some RMB 58 trillion between 2003 and 2012 to support the development of cultural services and had completed a project whose aims included providing free access to libraries, cultural centres, museums, art galleries and neighbourhood cultural facilities. The Government would now divert more resources to the improvement of education in the central and western areas and in the countryside.

9. Efforts had begun to tackle the problem of air pollution in cities. Between 2010 and 2013, emissions of ammoniacal nitrogen, nitrogen dioxide and nitrogen oxides had decreased nationwide, and an action plan to prevent atmospheric pollution had been drawn up in an effort to reduce the level of smog. Penalties for pollution had been stiffened, and protection of vulnerable or sensitive environmental zones had been strengthened with an amendment to the Environmental Protection Act. Some 98.2 per cent of the urban population had access to safe drinking water, and water quality was improving.

10. A national health insurance system had been established covering all people registered in both urban and rural areas. The system for the reporting of infectious diseases and sudden outbreaks of public health incidents had proved its worth. In 2009 China had been the first country to research, register and produce a vaccine following the spread of the H1N1 influenza. Its emergency response mechanism for people affected by the H7N9 avian influenza had contributed to lowering the fatality rate.

11. The laws relating to the situation of women, elderly persons, minors and persons living with disabilities all contained explicit prohibitions against discrimination, and three national programmes had been drawn up to promote gender equality and women's development. Life expectancy of women had surpassed 77 years by 2010, and women accounted for some 46 per cent of the workforce. Over 70 per cent of school-age children with disabilities were enrolled in school. Special enterprises employed nearly 600,000 persons living with disabilities, and over 10 million persons living with disabilities received support through the subsistence security system.

12. As China was a multi-ethnic country, the Government was committed to a system of regional ethnic autonomy. The chief executives of the local administrations in all Autonomous Regions and prefectures were from local ethnic groups, and each group was represented in the National People's Congress and the National People's Political Consultative Conference. Preferential policies were applied in minority regions in respect of taxation and school enrolment. The Government had recently increased by 30 per cent the resources allocated to the Ethnic Minority Development Fund, raising it to RMB 3.69 billion in 2013.

13. China was also actively engaged in international cooperation for human rights and maintained close relations with international agencies and organizations such as the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund and the World Health Organization, with extensive cooperation in the fields of human rights education, poverty elimination, child protection, gender equality and HIV/AIDS prevention. The Chinese Government provided economic and technical assistance to over 120 developing countries. China was party to 26 international human rights instruments and had received visits from a number of United Nations special procedures mandate holders, including those dealing with the right to food, the right to education and women's rights.

14. There was always room for improvement in the promotion and protection of human rights. China had the second largest economy in the world, but it ranked eightieth in average per capita gross domestic product (GDP), with imbalances in development between urban and rural areas and among the country's regions. The country's economic and social development faced problems owing to bottlenecks in the provision of energy and resources and because of environmental issues. Over 100 million Chinese citizens still lived in poverty. The Eighteenth Congress of the Communist Party of China had unveiled a blueprint for further development, in particular with two long-term goals: first, to double GDP and average per capita income between 2010 and 2020, and second, for China to become a modern socialist country enjoying prosperity, democracy, a level of civilization and harmony by the middle of the century. As China moved forward, there would certainly be greater progress in the protection of economic, social and cultural rights.

15. **Mr. Lau** Kong-wah (Hong Kong, China) said that Hong Kong had instituted a statutory minimum wage in 2011 and had set a poverty line in 2013. In 2014 a low-income working family allowance would be established, with a structure encouraging families to remain employed, thus promoting self-reliance. Some 200,000 beneficiary families with eligible children or young people would be able to receive a supplemental child allowance under that scheme. The education system too had been improved. The duration of free-of-charge schooling had been extended to 12 years, and a new structure had been put in place to promote whole-person development and improve life-long learning. There was also increased support for Chinese language education for ethnic minorities.

16. Hong Kong was continuing to improve and expand the public health-care system, for example by constructing new hospitals and improving existing ones. The annual amount of the health-care voucher provided to the elderly would soon be doubled to HK$ 2,000. To help low-income families find adequate housing, there were plans to add over the next 10 years some 470,000 housing units, 60 per cent of which would be in public housing. To ensure the enjoyment of cultural rights, Hong Kong was forging ahead with the development of the West Kowloon Cultural District and would be opening a range of cultural and artistic facilities beginning in 2015. The authorities would continue to develop arts programmes, promote education in the arts and nurture new talent.

17. **Mr. Chan** Hin Chi (Macao, China) said that the Basic Law of the Macao Special Administrative Region provided constitutional protection of the basic rights and freedoms of the people of Macao and was the foundation for laws and statutes that protected all kinds of human rights. Following the consideration of the first report submitted by Macao to the Committee in 2005, a law on the employment of non-resident workers had been adopted, and investment had increased in basic social protection and medical allowances. A 15-year system of education provided schooling free of charge, and subsidies for continuing education and public housing had increased. Human rights education and awareness campaigns had been conducted for civil servants, judicial officers and members of the law enforcement community.

18. **Mr. Schrijver** (Country Rapporteur), noting that in the period under review a large number of people had been lifted out of poverty in China and that the Government had provided nearly universal primary education and improved health care, acknowledged some of the recent policy reforms, including the decision to abolish re-education through labour and the relaxation of the one-child policy. The Committee was still concerned about disparities in China, notably those that persisted between urban and rural areas, between the eastern and western parts of the country and between regions inhabited by minorities and other areas. The fast pace of economic development contrasted with the uneven enjoyment of economic, social and cultural rights, and a dichotomy remained between the realization of economic, social and cultural rights and civil and political rights in China.

19. The delegation should elaborate on the relationship between economic, social and cultural rights and certain civil rights, for instance the right to life, freedom of association in trade unions and the right to a cultural identity, including freedom of religion. In the view of the Committee, the ratification by China of the International Covenant on Civil and Political Rights would be a major step forward for the country.

20. The steps taken by China, Hong Kong and Macao towards the establishment of national human rights institutions still fell short of compliance with the Paris Principles, and the delegation should describe any further plans to move forward in that regard. The Committee was also concerned that the legislative system was not sufficient to ensure the effective protection of all human rights, and that human rights training and awareness of the Covenant and the rights it established were insufficient in the vast judiciary system, notwithstanding recent reforms such as the institution of a national examination for the judiciary and the establishment of codes of conduct for judges.

21. While the State party's report mentioned the Government's efforts to deal with the problem of corruption, the Committee would like to hear an assessment of the achievements of the anti-corruption policy and of the obstacles encountered in its implementation, especially in respect of the judiciary.

22. The Government had announced in its twelfth five-year social and economic development plan that it would now shift the focus away from economic development, to social and human development. Would more freedom for workers be part of that shift? The Committee would like to know whether the Government would consider withdrawing its declaration under article 8, paragraph 1 (a), of the Covenant in respect of freedom of association. The Chinese Trade Union Act did not include a provision on the right to strike, which was not consistent with article 8 of the Covenant. What would the Government do to better protect the rights of human rights defenders? Noting the relatively high unemployment among members of ethnic minorities and their limited access to social services and social security, he asked what measures were planned to protect their rights and to what extent the Government consulted and cooperated with them on such matters. The fate of migrant workers in mainland China, and also in Hong Kong and Macao, was a question of concern to the Committee, as their limited labour rights and the exclusion of such workers and their families from social welfare systems, schooling and health care were problems that had to be addressed.

23. **Mr. Kerdoun** asked why the State party had not established a national human rights institution in compliance with the Paris Principles; whether it planned to transpose the Covenant provisions into national law so that they could be invoked directly in court; and whether it would ratify the Optional Protocol to the Covenant. He invited the delegation to provide specific examples of countries that had received overseas development assistance from China to help to reduce or eliminate their debt and details of the outcomes of that aid. Noting that China had close links with a number of developing countries in Africa and was involved in many major construction projects, he said that an explanation of its long-term strategy for cooperation with Africa would be useful. He would particularly like to know

whether the objective was to obtain access to energy and other natural resources and thus to support growth in China; whether the aid provided by China affected enjoyment of the Covenant rights in beneficiary countries; and whether there were any aid programmes designed specifically to foster and support those rights.

24. **Ms. Shin** asked whether the Committee's previous concluding observations (E/C.12/1/Add.107) had been widely disseminated at all levels of society, including, in particular, among members of the judiciary, law enforcement officials and NGOs, as had been recommended; whether the concluding observations issued following the current review would be widely circulated; and, if so, what mechanisms had and would be used to achieve that aim. Noting that the sample of "nearly 20 national-level non-governmental organizations" consulted in the preparation of the current report was tiny for a country the size of China, she urged the State party to consult NGOs and civil society more widely prior to reporting and to extend and enhance NGO engagement in general.

25. With regard to the absence of a national human rights institution, she wished to add that, although, as reported, a number of departments within various ministries might be developing and implementing human rights policies and action plans, none of those bodies had the autonomy that was a prerequisite for an institution complying with the Paris Principles. Was further consideration being given to the possibility of establishing a fully compliant institution in mainland China, and also in Hong Kong and Macao?

26. Expressing concern that the lack of a stand-alone anti-discrimination act that contained comprehensive definitions and encompassed all possible grounds of discrimination, including ethnicity, gender, age and disability, might impede understanding and application of non-discrimination and equality principles, she asked whether any such legislation was in the pipeline. The reform of the *hukou* household registration system was a welcome advance, but information about measures adopted to address the situation of the estimated 50 to 60 million citizens living outside the *hukou* system was also needed.

27. It was disappointing that only two pages of the national human rights action plan were dedicated to women's rights. Women's rights should be mainstreamed in all policy areas and all sections of the plan. She would like to know, in that connection, whether policies were subject to gender impact assessments and gender-responsive budgeting, and whether a system for compiling gender-disaggregated data was in place.

28. Since human rights violations in developing countries, including environmental degradation, had sometimes been connected with overseas development assistance, she would like to know whether the State party conducted human rights impact assessments of its overseas development projects and whether State-owned enterprises involved in such projects were subject to ongoing State control and supervision.

29. **Mr. Sadi** asked how successful the country's new leadership had been in its efforts to combat corruption and to protect the climate and the environment. With China rapidly becoming a private-sector led economy, information about the impact of the transition on economic rights would be appreciated, as would details of the outcomes of the two national human rights action plans. With regard to the State party's Going Global Strategy, he noted that the strategy should include human rights guidance for Chinese enterprises active outside China.

30. The policy objective of ensuring "at least one woman in local government leadership at the county level and above" mentioned in the State party's replies to the list of issues (E/C.12/CHN/Q/2/Add.1) was at best extremely modest and he urged the State party to adopt more ambitious quotas. Lastly, more information about how the reform of the *hukou* system would help to protect Covenant rights would be helpful.

31. **Ms. Bras Gomes** reiterated the need for a comprehensive anti-discrimination act that would ensure protection for specific groups such as Tibetans, other ethnic minorities and members of the lesbian, gay, bisexual, transgender and intersex community. With regard to development assistance, she asked how the State party monitored the overseas activities of State-funded entities such as the China Development Bank, which had reportedly been involved in activities leading to forced evictions and violations of the right to food and water; how the Government responded to reports of potential violations overseas; and how it ensured that prior, informed consent was obtained from the local communities that were to be displaced or otherwise affected.

32. **Mr. Atangana** asked what the State party was doing to ensure that the Covenant provisions could be invoked in court and what measures had been adopted to reduce or eliminate corruption.

33. **Mr. Abdel-Moneim** said that, despite its huge industrial base, the State party remained a developing country and, as such, was entitled to apply article 2, paragraph 3, of the Covenant, subject to certain limits. Its industrial and agricultural base and economic infrastructure had been achieved precisely because China had been able to exercise its right to development and that right was key to the implementation of all Covenant rights.

34. **Mr. Ribeiro Leão** asked what mechanisms were used to determine wage levels and whether the calculations were linked to labour market supply and demand and company results. He would also like to know what the State party was doing to ensure that health and safety conditions at work were not compromised by the country's rapid economic expansion and whether any specific health and safety improvement plan was in place.

35. **Ms. Bras Gomes** said that, despite significant progress in relation to the right to social security, she perceived a number of gaps in the safety net. The entitlements, if any, of migrants and other workers in transient employment were not clear. It was also unclear whether all beneficiaries received the same minimum basic standard pension, irrespective of where they lived; and whether the pension was indexed to the cost of living and, if so, whether the cost of food and medicines was factored into the calculation. She would also like to know whether the "sunlight of assistance" publicity campaign mentioned in paragraph 71 of the replies to the list of issues was a one-off initiative or part of an ongoing effort to raise awareness of social security entitlements across the country; whether the *hukou* system continued to restrict access to social benefits; and what provisions were in place to ensure adequate protection for persons who had made smaller social security contributions during their working life. Noting, lastly, that migrant workers in Macao could apparently agree to enter a private pension scheme with their employers, she asked what the State was doing to encourage and promote awareness of such agreements.

36. **Mr. Martynov** asked to what extent the State party's progress in combating unemployment could be attributed to the 2011–2015 national employment promotion plan and whether statistics attesting to its results were available. Information about the 2007 State Council Regulation that had instituted a 1.5 per cent quota for the employment of persons with disabilities would be useful. In particular, he wished to know whether the quota applied to both public and private enterprises; how successfully it was being enforced in the different parts of the country and different sectors of the economy; and how rates of employment for persons with disabilities differed between urban and rural areas. Lastly, noting that around 500 million persons were currently participating in the rural and urban pension insurance schemes, he sought details of the State party's target participation rate. Was 100 per cent participation the ultimate goal and, if so, when might that goal be achieved?

The meeting was suspended at 11.35 a.m. and resumed at noon.

37. **Ms. Li** Xiao (China) said that domestic legislation in China was fully compatible with the Covenant. No conflict or contradiction was perceived to exist between the two and all courts adhered strictly to the provisions of domestic law and thus, as a corollary, to the provisions of the Covenant. In recent years the legislature had made considerable advances in transposing the provisions of international instruments into criminal and civil procedural law. Citizens who considered their rights to have been violated were entitled to compensation under domestic compensation law.

38. **Ms. Liu** Hua (China) said that, when China had ratified the Covenant, the provisions of its Constitution, the prevailing trade union and labour laws and its unique historical and national circumstances had necessitated a reservation to article 8, paragraph 1. That reservation did not imply that the Covenant provisions were not respected. The All China Federation of Trade Unions was highly effective in conveying the recommendations of its members to Government and monitoring the authorities' work, ensuring respect for the rights of trade union members. The possibility of withdrawing the reservation would, however, be given due consideration.

39. With regard to the possibility of ratifying the Optional Protocol, it was important to note that in China responsibility for resolving individual complaints was considered to lie with the Government and that a comprehensive system of domestic remedies that adhered to Covenant standards was available to persons who deemed their rights to have been violated. When hearing such complaints the people's courts referred to Chinese law to give effective protection to the rights of citizens, thereby complying with the spirit of the Covenant.

40. **Mr. Shen** Lin (China) said that targeted measures had been adopted to help to reduce the development gap between ethnic minority regions and the rest of China. The disparities were for the most part a reflection of the urban-rural divide. At the national level, the State Council had drawn up three specific assistance plans, the first designed to promote development in ethnic minority regions, the second to bring economic prosperity to those regions and the third specifically targeting minority groups with small populations. The minority populations were concentrated in five Autonomous Regions and three provinces, each of which had also adopted its own development plan. Some of the more developed provinces aided those regions by allocating between 3 and 5 per cent of their finances to them. Assistance currently accounted for around 44 per cent of the budgets of ethnic minority regions in the west of the country.

41. **Mr. Basangcir**[illegible]**n** (China) said that, under the Constitution, all ethnic groups were considered equal, and that the Government prohibited any discrimination against or oppression of ethnic minorities. Preferential treatment was afforded to such minorities in the recruitment of State officials, and special schools had been set up and funds earmarked for students from ethnic minority groups, who received additional marks when sitting examinations. Progress had also been made in the field of public health, thanks in part to the efforts of persons living in the Autonomous Regions of Tibet and Xinjiang, which had moved into a new stage of development. It could not, therefore, be stated that ethnic minorities in those regions were subjected to discrimination.

42. **Mr. Kuang** Sheng (China) said that China, as a multi-faith and multi-ethnic country, had always sought to encourage freedom of religion. The customs and habits of all religions were respected, and believers and non-believers shared a relationship based on mutual respect and peaceful coexistence. The Government gave preferential treatment to certain ethnic minority religions by, for example, providing funds to restore places of worship, and religious festivals were frequently celebrated in numerous parts of the country.

43. **Mr. Gu** Shengkai (China) said that the Government of China attached great importance to protecting the rights of persons with disabilities. In 2008, the Protection of Disabled Persons Act had been amended to include explicit references to the Convention on the Rights of Persons with Disabilities. In total, more than 60 laws and regulations had been adopted to prevent discrimination against such persons, and the Ministries of Education and Labour and Social Security systematically conducted inspections throughout the country in order to uncover potential cases of discrimination. Victims of discrimination could file complaints directly with government departments, which were required to act accordingly.

44. With regard to the employment of persons with disabilities, he said that, by 2020, each province would be required to employ at least one State or party official with a disability. Moreover, in the recruitment of civil servants, preferential treatment had to be given to persons with disabilities when all other conditions were equal. A fund had been established to guarantee the employment of persons with disabilities, and companies and Government departments that failed to meet their targets in that regard were required to pay money into the fund.

45. **Ms. Li** Jian (China) said that, while China did not have a comprehensive anti-discrimination act, its laws on the protection of the rights and interests of women, minors, the elderly and persons with disabilities contained specific provisions defining the offence. The *hukou* system, which was being reformed, no longer had an impact on the approval and distribution of social security benefits under the *di bao* scheme, which was amended in line with price increases. A new interim measure for the provision of social assistance would come into force in May 2014, addressing the problems caused by the *hukou* system.

46. **Mr. Lau** Kong-wah (Hong Kong, China) said that legislative safeguards for the protection of human rights in Hong Kong were enshrined in the Basic Law, which prescribed the fundamental rights and freedoms of persons living in the region. Article 39 of the Law stipulated that the provisions of the Covenant and the International Covenant on Civil and Political Rights remained in force in Hong Kong, and a number of ordinances, which were enforced by the Equal Opportunities Commission, granted protection from discrimination on account of sex, disability, family status or race. The privacy of individuals in relation to personal data was protected by an ordinance drafted by the Office of the Privacy Commissioner for Personal Data. The Government's performance in the area of human rights was open to scrutiny by the United Nations through the regular submission of reports, which were prepared following consultations with the general public, legislative councils and relevant forums, in accordance with established practice. The Government was of the opinion that the existing mechanism for the protection of human rights was working well, and that there was no obvious need to establish another human rights institution, which would merely duplicate the work that was already being carried out.

47. The Equal Opportunities Commission had, by and large, conformed to the Paris Principles in terms of independence, autonomy, pluralism, resources and the authority to take legal action. It was a statutory body whose powers and functions were protected by law, and whose members possessed expertise in a range of fields.

48. With regard to the rights of ethnic minorities, the Race Discrimination Ordinance, which had been enacted in July 2008 and had come fully into force in July 2009, allowed any victim of racial discrimination in the areas of education or employment to file a complaint with the Equal Opportunities Commission, which organized conciliation proceedings and, if those failed, provided assistance in lodging a civil claim. As stated in the 2014 Policy Address, the Government would implement a number of measures to strengthen educational support and employment services for ethnic minorities with a view to helping them integrate into the community.

49. The definition of race contained in the Race Discrimination Ordinance was in line with the International Convention on the Elimination of All Forms of Racial Discrimination. The vast majority of new arrivals in Hong Kong from the mainland were of the same ethnic origin as that of most permanent residents in the region, and any differences in their accent or personal habits did not distinguish them as a separate racial group. Various policy bureaux and departments provided a wide range of services to facilitate the social integration of new arrivals from the mainland, including educational support, employment counselling, and social welfare and housing assistance.

50. **Mr. Chow** Wing-hang (Hong Kong, China) said that migrant workers were granted full statutory protection on an equal basis with national citizens. The standard employment contract for foreign domestic helpers provided for a minimum allowable wage, a food allowance and free accommodation, medical treatment and passage to and from their place of origin. Abuse of migrant workers was not tolerated, and victims were encouraged to come forward through the provision of free conciliation services and access to legal aid. All complaints that were supported by sufficient evidence would be prosecuted in accordance with the law.

51. **Mr. Chan** Chun-tak (Hong Kong, China) said that a comprehensive social security assistance scheme was in place to provide financial support to vulnerable groups in Hong Kong. Persons with disabilities were offered free medical treatment and monthly payments to cover their needs, while low-income working families living below the poverty line received assistance in accordance with the number of children in the family. Trust funds for emergency situations were available to families and individuals irrespective of their residency status.

52. **Mr. Ribeiro Leão** enquired whether there was a comprehensive programme in China to combat poverty and, if so, what main areas it covered.

53. **Mr. Pillay** asked for information on the number of forced evictions being carried out each year, and how many investigations were being conducted into illegal evictions and demolitions. The delegation should indicate how many persons had been prosecuted in connection with such offences. He asked whether the State party would consider adopting national guidelines for forced evictions in line with international standards, particularly the Committee's general comment No. 7.

54. Lastly, he wished to know what corrective measures the Government was taking to address the shortage of public housing in Hong Kong, which had led to a surge in rental prices and lengthy waiting lists, even for the elderly.

55. **Ms. Shin** said she wished to know the time frame for the adoption of domestic violence legislation in China. The new law should provide for prevention, protection for victims and punishment of perpetrators. She noted that similar draft legislation was being considered in Macao but that, in failing to recognize domestic violence as a social crime, it was not adequately promoting respect for the human rights of victims.

56. She called on the authorities in Hong Kong to take steps to tackle the serious issue of separation between mothers and their children, due to a lack of provisions allowing Chinese mothers to reside in the region. The delegation should indicate whether the national health insurance system that was being developed would cover migrants and ethnic minorities. It should also state what measures were being taken to combat prenatal sex selection, forced abortion and the high number of Chinese baby girls being put up for adoption.

57. **Mr. Dasgupta**, referring to plans to divert river water from southern to northern China in order to address shortages, asked whether an environmental impact assessment had been conducted to determine the effect on water quality. If so, the delegation should

indicate what results had been obtained, and whether public consultations had been held on the issue.

58. **Mr. Atangana** asked why domestic violence legislation, which had been under consideration since 2008, had not yet been adopted. He wished to know how many prosecutions and convictions there had been for cases of domestic violence, and whether there were any statistics indicating the extent of the problem.

59. **Mr. Abdel-Moneim** enquired what mechanism was in place to stabilize food prices and ensure that consumer prices did not increase disproportionately. He asked whether the delegation could confirm reports that there was an entire city in China for low- and middle-income families and, if so, whether it possessed any additional information on the matter. Lastly, the delegation should indicate whether the State party planned to introduce a wealth tax.

60. **Mr. Schrijver** asked what steps were being taken to prevent discrimination against persons with HIV/AIDS and their families.

61. **Ms. Ravenberg** said she wished to know whether the programme to provide Chinese-language education to ethnic minorities and additional resources for school-based support in Hong Kong was under way. Regarding the National Human Rights Action Plan 2009–2010, she asked whether measures guaranteeing nine years of compulsory education to the children of migrant workers had been implemented and, if so, with what results. The delegation should indicate whether there was an agency responsible for enforcing such measures. Noting that the National Human Rights Action Plan 2012–2015 contained a policy granting equal rights to education to the children of migrant workers, she asked what progress had been made in that respect.

62. **Mr. Marchán Romero** asked whether informed consultations were held with ethnic minorities prior to large-scale projects affecting their land and, if so, under what conditions. He also asked whether China observed the principle of self-identification of ethnic minorities, and whether it respected the individual and collective rights of such groups and their members, particularly with regard to cultural identity.

The meeting rose at 1 p.m.

United Nations E/C.12/2014/SR.18

Economic and Social Council

Distr.: General
16 May 2014

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the 18th meeting

Held at the Palais Wilson, Geneva, on Thursday, 8 May 2014, at 3 p.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of China (continued)

Third periodic report of Hong Kong, China (continued)

Second periodic report of Macao, China (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-43338 (E) 150514 160514

1443338

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of China (continued) (E/C.12/CHN/2; E/C.12/WG/CHN/Q/2 and Add.1-3; HRI/CORE/CHN/2010)

Third periodic report of Hong Kong, China (continued) (E/C.12/CHN-HKG/3; E/C.12/WG/CHN/Q/2 and Add.2; HRI/CORE/CHN-HKG/2013)

Second periodic report of Macao, China (continued) (E/C.12/CHN-MAC/2; E/C.12/WG/CHN/Q/2 and Add.3; HRI/CORE/CHN-MAC/2010)

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*

2. **Mr. Mancisidor** said that, while significant progress had been made regarding the provision of free primary education, the high cost of secondary and higher education made it difficult for the poor, and especially members of ethnic minorities, to access education at those levels. He therefore asked what measures the Government was taking to ensure the full implementation of article 13, paragraphs 2 (b) and (c), of the Covenant. He requested further information about the human rights education provided as part of compulsory education. He asked what was being done to ensure that all persons fully enjoyed freedom of expression, freedom of association and other freedoms necessary for them to take part in cultural life and enjoy the benefits of scientific progress and its applications. Noting the State party's status as a great scientific power, he asked how it would ensure that its scientific advances promoted the human rights of people in China and throughout the world.

3. **Mr. Abashidze** asked whether there had been any recent legislative innovations in China regarding territorial autonomy and self-determination. He also wished to know the Government's approach to the issue of cultural self-determination.

4. **Mr. Abdel-Moneim** requested further information about the protection of intellectual property rights in China.

5. **Mr. Schrijver** (Country Rapporteur) said that the resettlement of nomadic peoples must necessarily involve forcible evictions of minority communities from their ancestral lands, which could amount to an infringement of their land rights and their right to enjoy cultural life. He therefore asked whether the Government was considering a more minority-friendly development strategy for the west of the country that respected the rights of nomadic peoples.

6. **Mr. Chan** Hin Chi (Macao, China) said that the Committee's previous concluding observations (E/C.12/1/Add.107) had been distributed to government officials, law enforcement officers, judges, prosecutors and police officers in Macao and that relevant information was also available on government websites. Discussion seminars on economic, social and cultural rights had been held with the participation of visiting scholars from mainland China and other countries. School quiz competitions on the subject had also been organized, and school textbooks included information on the provisions of the Covenant. The Macao Government would make further efforts to spread information about the Covenant and the Committee's concluding observations.

7. He understood the Committee's concerns about the lack of an independent national human rights institution. Macao had established the Office for Personal Data Protection,

which had the authority to receive complaints and conduct independent investigations in cases involving the protection of personal data.

8. **Ms. Tai** Peng (Macao, China) said that, according to Macao laws and regulations, foreign workers should enjoy the same working conditions as local workers, including equal pay for work of equal value. They were also entitled to compensation for work-related illnesses or accidents. From 2009 to 2014, more than 6,000 complaints had been received from foreign workers on issues such as wages and overtime pay, most of which had been resolved satisfactorily. All employment contracts must meet government approval, and employers would be fined 5,000 Macao patacas if the conditions set out in the contract did not meet the established standards. Macao labour laws also set out standards for workers' accommodation and stipulated that employers must assist workers in returning to their country of origin at the end of their contract.

9. Foreign workers could contribute to a private pension fund while employed in Macao, and those contributions were exempt from income tax. As migrant workers from mainland China made up about 60 per cent of all foreign workers in Macao, the governments of Macao and Guangdong Province had signed a cooperation agreement on private pensions for migrant workers. Pregnant women were legally protected from unfair dismissal. New measures would be implemented to help newly arrived migrants integrate into the community.

10. **Mr. Chan** Hin Chi (Macao, China) said that, according to the Basic Law of the Macao Special Administrative Region, all Macao residents were equal before the law and free from any discrimination. Other laws also stipulated non-discrimination in specific areas, such as education.

11. **Ms. Li** Xiao (China) said that the Eighteenth National Congress of the Communist Party of China had adopted a series of measures to prevent and punish corruption. Those measures included increasing transparency, delegating the authority to fight corruption and spreading information through social media networks. In 2013 the courts had handed down more than 30,000 sentences for corruption, including in cases involving high-level officials such as Bo Xilai.

12. In 2004 a provision on the protection of human rights had been incorporated into the Constitution, and in 2012 a similar provision had been included in the Criminal Code. Indeed, the protection of human rights was reflected throughout all legal proceedings, and 4,000 judges had received training on respecting human rights in criminal proceedings. No criminal sanctions were imposed on the basis of an individual's political views. Human rights defenders who violated the Criminal Code were, however, punished for the crimes they had committed.

13. **Ms. Liu** Hua (China) said that in China the functions typically performed by national human rights institutions were shared by a number of government bodies and departments. A joint meeting mechanism for the National Human Rights Action Plan was responsible for implementing, supervising and evaluating the plan. In recent years, China had been making steady progress in its legal preparations for the ratification of the International Covenant on Civil and Political Rights. The National People's Congress had already amended a number of national laws to bring them into line with the Covenant so as to pave the way for its ratification.

14. China did not use the term "official development assistance", but it did follow a model of South-South cooperation with other developing countries that was based on the principles of mutual respect and mutual benefit, with an emphasis on practical results. Over the past 10 years it had donated 170 billion yuan renminbi (RMB) through such cooperation and had cancelled debts amounting to RMB 30 billion. More than 95 per cent of imports from poor countries were tariff-free. The projects carried out by Chinese enterprises abroad

were focused on infrastructure and agriculture and aimed to contribute to the local economy and benefit the local people. Those enterprises were instructed to strictly respect local labour laws. At the same time, the governments of the countries concerned should also protect the investors' interests, and China was working towards signing bilateral agreements to that effect. Guidelines had recently been established highlighting the social and environmental responsibilities of Chinese enterprises abroad. China would continue its cooperation with African countries in a long-term and sustainable manner.

15. **Ms. Li** Jian (China) said that as at the end of 2013 there had been 437,000 registered cases of HIV/AIDS, though it was difficult to know how many people were actually infected because many persons who were at high risk chose not to be tested. National law clearly stipulated that no one should suffer discrimination on the basis of their HIV status, and the fight against discrimination was a major component of the Government's AIDS policy. In Chinese law, marriage could be entered into only by two individuals of the opposite sex. The issue of gay marriage was very controversial, but the Government would closely follow developments in that area.

16. **Ms. Hu** Daohua (China) said that it was a State objective for women to fulfil their rightful role of "holding up half the sky", and that gender equality had been included in the party platform and policies set out at the Eighteenth National Congress of the Communist Party of China. The latest in a series of national programmes for women's development had been adopted in 2011, and a number of laws included provisions aimed at achieving gender equality. Disaggregated statistics on the development of women and children had been collected since 2004 and were published annually. National surveys on the situation of women in China were conducted periodically. Many mechanisms had been established at the municipal and provincial levels to assess the impact of gender equality measures, and the Government was considering creating such a mechanism at the national level.

17. Gender-sensitive budgeting was already taking place at the local level, and the central Government was considering drawing up a gender-sensitive national budget. Current quotas required that one woman be included in the leadership of local governments above the county level. As the number of leadership positions was rather small, that quota was already significant, and the Government aimed to increase it in the future. About 90 per cent of municipalities had included women cadres among their leaders, which represented a marked increase compared with figures from 2001.

18. **Mr. Ma** Hezu (China) said that Chinese labour law provided for the right to engage in collective bargaining. In 2011 trade unions had established eight elements that should be taken into consideration during collective bargaining, such as the cost of labour, the consumer price index and the average wage in the industry concerned. The company's profits were not a key factor in collective bargaining. In an effort to prevent workplace accidents, the central and provincial governments had established a goal of fully meeting all safety criteria by 2015. Specific safety targets had been set for a number of industries, and a hotline had been introduced for the reporting of industrial accidents.

19. Since February 2014, urban and rural pensions had been merged into a single benefit. The amount of the pension was commensurate with a worker's contributions. However, there was a mechanism to adjust pensions according to rising prices and local governments had the authority to adapt pensions to match changing local contexts. The Employment Promotion Act had been adopted in 2007 to spur job creation, especially for college graduates, strengthen services and improve vocational training in order to maintain stable employment and ensure that at least one person per household was employed. In fact, unemployment had remained relatively stable since 2011 and stood at approximately 4 per cent. The Eighteenth National People's Congress had identified universal, flexible and sustainable social security insurance coverage as one of its objectives. Urban and rural social security insurance would also be merged by the end of the Twelfth Five-Year Plan.

20. In 2013, 260 million rural workers had migrated to the cities and efforts were being made to guarantee them employment, ensure that they were duly remunerated and provide vocational training. Increasing numbers of them were joining the social security insurance scheme, the authorities actively promoted their right to housing and education and a reform of the *hukou* system was being considered to gradually resettle eligible rural workers in urban areas.

21. The right to strike was not recognized under the law because resorting to such radical measures to resolve labour issues was perceived to conflict with national values and the public interest. Therefore, peaceful means of dispute settlement were encouraged. For example, the Ministry of Human Resources and Social Security, in conjunction with trade unions, had set up an arbitration and mediation mechanism.

22. **Mr. Gu** Shengkai (China) said that human rights education, including on the Covenant, was part of the National Human Rights Action Plan and that a textbook on economic, social and cultural rights had been designed. Human rights were taught in primary and secondary schools and over 30 university law departments offered human rights law courses. Furthermore, considerable public awareness-raising efforts had been made pursuant to the United Nations Decade for Human Rights Education. A human rights centre had been established as part of the first National Human Rights Action Plan and five more had been opened subsequently. Those who wished to open such a centre could apply to the Ministry of Education for financial assistance.

23. Policymakers also made efforts to consider issues from a human rights perspective. In 2013, the Eighteenth National People's Congress had unveiled a number of policy and judicial reforms to which human rights experts had made significant contributions. The evaluation of the first National Human Rights Action Plan, which was available in paper and electronic format, had found that 90 per cent of the targets had been met, and the authorities were preparing for the midterm evaluation of the second Plan.

24. **Ms. Li** Jian (China) said that the Government worked in partnership with the 540,000 registered civil society organizations and guaranteed their ability to conduct their activities, which consisted mainly in the provision of social services.

25. **Mr. Guo** Haiming (China) said that a new form of rural collective medical care had been established in 2003 and much progress had been seen in the intervening decade. More than 800 million people had joined the scheme, which covered a number of major diseases, including child leukaemia, HIV/AIDS and heart disease.

26. **Mr. Sadi**, referring to the delegation's opening statement, requested further explanation of the relationship between the central Government and the Special Administrative Regions, especially with regard to implementing and reporting on the Covenant.

27. **Ms. Shin**, pointing out that not all the data provided by the State party was gender-disaggregated, suggested that the practice should be mainstreamed across all indicators. She asked whether sexual harassment in the workplace and in schools was a recognized problem and whether any measures were being adopted to address it. She wished to know what steps were being taken to reduce the gender pay gap. She urged the State party to take action to provide more affordable childcare.

28. **Ms. Bras Gomes** repeated her question about the adequacy of the basic pension. She asked whether any new programmes had been set up under the same precepts as the defunct re-education through labour regimen and whether any former detainees under that regimen had had access to justice. Pointing out that the reduced residency requirement for the Comprehensive Social Security Assistance programme in Hong Kong, remained a burden for many low-income individuals, she wished to know whether they benefited from any

special measures. She suggested that the mandate of the Equal Opportunities Commission in Hong Kong, should be reviewed and broadened. Drawing the delegation's attention to the Committee's general comment No. 20, she remarked that the lesbian, gay, bisexual, transgender and intersex community was entitled to all the rights enshrined in the Covenant.

29. **Mr. Schrijver** asked whether article 39 of the Basic Law guaranteed the rights enshrined in the Covenant, whether the Covenant had been directly incorporated into national legislation or whether its validity depended on the enactment of specific laws. He also asked whether union rights were restricted in the same way in the Special Administrative Regions as they were on the mainland. He expressed concern at the fact that migrant domestic workers had to leave Hong Kong, within two weeks of the termination of their work contract and enquired how the right to work of asylum seekers and refugees was upheld there.

The meeting was suspended at 4.40 p.m. and resumed at 4.50 p.m.

30. **Mr. Wu** Hailong (China) said that the basic laws of both Special Administrative Regions provided for a high degree of autonomy, including the authority to conduct judicial procedures. The central Government abided by the basic laws and respected the Regions' autonomous decision-making power.

31. **Ms. Hu** Daohua (China) said that the collection of disaggregated data, especially by gender, was a work in progress. Sexual harassment was prohibited in the workplace under a number of pieces of legislation and children were taught to recognize it. Incidents of harassment in school settings were handled on a case-by-case basis, perpetrators were harshly punished and assistance was provided to victims. China was a party to the International Labour Organization Equal Remuneration Convention, 1951 (No. 100), and most businesses observed the relevant provisions of labour and contract law, fixing salaries commensurately with job requirements irrespective of gender. Nevertheless, the Government intended to further strengthen provisions regarding equal pay for equal work.

32. The National Child Development Programme (2010–2020) included measures to expand State-run preschool establishments and encourage civil society to become involved in that sector. An action plan on preschool education, with a focus on rural areas and vulnerable children, had recently ended. Preschool enrolment had increased nearly 8 per cent in 2012.

33. **Mr. Ma** Hezu (China) said that, because pensioners were exempt from medical insurance fees, the basic pension was sufficient to cover their needs. Pensions would be adjusted so that they continued to be adequate over time.

34. **Ms. Li** Xiao (China) said that no similar programmes had replaced re-education through labour. Individuals were entitled to a lawyer throughout proceedings, including during interrogations, which were recorded as an additional precaution.

35. **Ms. Liu** Hua (China) said that China was a party to the Convention relating to the Status of Refugees and that some 300,000 refugees from the Indochinese peninsula had lived in the country since 1978.

36. **Mr. Chow** Wing-hang (Hong Kong, China) said that, in cases of genuine hardship, the Department of Social Welfare could exercise discretion and waive the one-year residency requirement for joining the comprehensive social security assistance programme, which had been done in 15,000 cases. Moreover, persons under the age of 18 were exempt from the residency requirement.

37. **Mr. Loh** Vernon (Hong Kong, China) said that the Court of Final Appeal had recently confirmed that the dualism principle applied and international treaties were thus

not directly applicable unless incorporated in domestic law. Hong Kong had not incorporated the Covenant by specific legislation but several articles of the Basic Law and other ordinances and programmes guaranteed Covenant rights. The Committee's concluding observations were taken into account in policy formulation.

38. Hong Kong's independent judiciary had determined that it had the power to review legislation and the Basic Law and to declare it unconstitutional if found to be inconsistent with the Covenant. Individuals had invoked the Covenant against measures they considered unlawful and in one recent case the courts had referred to the Committee's concluding observations, inter alia, in finding that the seven-year residence requirement for eligibility for social security was unconstitutional; the residence requirement had been lowered to one year.

39. **Ms. Wong** Pui-man (Hong Kong, China), said that, where an employer was unable to continue with a contract because of migration or death, or for financial reasons, or where there was evidence that the foreign domestic helper had been abused or exploited, the worker could apply for a change of employer in Hong Kong without having to return to his or her place of origin. Regarding work permits for refugees, she said that non-refoulement claimants were prohibited from employment in Hong Kong under the immigration rules. The Court of Final Appeal had found that such claimants had no constitutional right to work. However, the immigration authority had discretion to consider each case on its own merits; it could take account of strong compassionate or humanitarian reasons or other special circumstances in deciding whether to grant permission to take employment on an exceptional basis.

40. With regard to split families, she said that, according to the Basic Law, for entry into Hong Kong people from other parts of China must apply for a one-way permit from the mainland authorities in accordance with the laws and regulations of the mainland. Where there were special family difficulties that did not fall within the application criteria, Hong Kong had been referring cases back to the mainland authorities. The mainland authorities often took those circumstances into account and granted permits.

41. **Mr. Yu** Shukun (China) said that the Government's objective was to provide rented accommodation to low-income families and to keep the average waiting time down to about three years. It also wished to address middle-income families' aspiration to home ownership. The new total housing supply target for the next 10 years was 36 per cent above the target set in 2013 and the housing authority had expedited construction on all fronts.

42. A consultation had been held on the long-term housing strategy and a report submitted to the Government in February 2014. There had been consensus in the consultation over priorities in the quota points system and in addressing the needs of inadequately housed households through public rental housing.

43. There was a concern that rent-control measures might discourage landlords from renting out their properties, thereby reducing housing supply. That and similar effects might add to the burden of those with imminent housing needs. The Government would take full account of the consultation and other views in finalizing its long-term housing strategy.

44. **Mr. Chow** Wing-hang (Hong Kong, China) said that the Basic Law and legislation guaranteed the right to strike. Employment regulations prohibited summary dismissal for striking.

45. **Mr. Lau** Kong-wah (Hong Kong, China) said that an advisory group had been set up to study discrimination against sexual minorities with a view to devising strategies and measures on that issue.

46. **Ms. Tai** Peng (Macao, China) said that, under civil law and the regulations on the right of association, Macao residents had the right to form trade unions and the right to

strike. A bill on trade union rights had been rejected in 2014 on the grounds that there was no major conflict between management and labour. Further consultation was needed on the issues before the bill could be resubmitted.

47. The Government took an open and flexible view, and the Macao Special Administrative Region was committed to harmonious labour-management relations. A tripartite mechanism was in operation and arbitration was used to seek mutually acceptable solutions. Trade unions were often asked to assist in negotiations, with positive results.

48. **Mr. Wong** Kin Mou (Macao, China) said that human rights education in primary schools covered the right to survival, the right to education and press freedom, as well as the Universal Declaration of Human Rights. The next stage of the reform of the school curriculum would set out what secondary school students needed to know about human rights and equal treatment for all. They would need to know about the difference between rights and duties, the importance of press freedom and ethics, and civic responsibility and living in harmony with other cultures. In senior high school, students needed to understand justice and equality and the democratic development of the Special Autonomous Region, and to be concerned with human rights in the world and social justice.

49. **Ms. Li** Jian (China) said that the poverty alleviation strategy included an outline for rural poverty alleviation for 2012–2020. There was a specific policy; the mechanism for implementation was a steering committee under the State Council. Key areas of poverty alleviation had been identified, such as the gap between rural and urban areas, balanced development and poverty alleviation for persons with disabilities.

50. **Ms. Li** Xiao (China) said that there had recently been extreme cases of forced eviction, in which developers had violated the law. The law on property and the regulations on demolition and appropriation had been improved and, following interpretations by the Supreme People's Court, a series of compensation and relief measures had been put in place. Parties could apply to the courts to seek solutions.

51. **Ms. Hu** Daohua (China) said that legislative work in the area of domestic violence had begun. A bill had been sent to the Legal Affairs Office of the State Council, from where it would be put before the National People's Congress. At the practical level, 73 pilot courts had been set up to deal with domestic violence and 500 restraining orders had been issued.

52. **Mr. Guo** Haiming (China) said that sex selection through abortion was prohibited. After years of effort, the high ratio of boys to girls was declining.

53. **Ms. Li** Jian (China) said that China was a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Foreigners who qualified were permitted to adopt Chinese children. Whoever adopted, the best interests of the child were always taken into account.

54. **Mr. Gu** Shengkai (China) said that comprehensive work was being done on water resources and, taking account of the capacity of the water basin, a diversion of water from South to North had begun in 2011. Capacity in the North increased every month and currently stood at 11 billion m^3. Following a comprehensive review, measures were being taken to avoid ecological problems by replenishing water levels and protecting underground water. There were pilot schemes to restore the water table. Rules had been put in place in 2012 setting stricter standards for water and water use.

55. **Mr. Guo** Haiming (China) said that the Government was concerned about the health of residents in ethnic areas and rural regions. Health-care reforms had helped strengthen basic medical services in rural and remote areas, where historically poor medical care had now improved. As to medical insurance, he said that rural workers could join a cooperative system and there was a special insurance scheme for occupational disease.

56. **Mr. Gu** Shengkai (China) said that in such a large country the right to food was a priority task for the Government. China tried to be self-reliant in its food strategy and was making improvements to the agricultural infrastructure. As to food prices, the Government had a three-pronged approach, consisting in, firstly, increasing tillage areas, secondly, stepping up the role of science in food production and, thirdly, applying market mechanisms such as price controls on staples, stocking of food and providing subsidies to producers where the price was too low and to consumers if the price was too high.

57. **Ms. Li** Jian (China), referring to questions on housing security for low-income families, said that, in the past three years, more than RMB 10 billion had been spent on the Government's housing project. There were regulations on affordable housing and the new social relief measures addressed housing in particular. State rental subsidies were available, notably for rural dwellers.

58. **Ms. Liu** Hua (China), referring to the question of tax, said that fairness and justice were intrinsic to socialism and the Government was trying to close the wage gap and ensure that wages rose in tandem with the economy as a whole. As of 2012 the wage gap had started to narrow and the next step was to consider how to increase taxes in order to redistribute wealth.

59. **Ms. Zhang** Xue (China) said that the nine-year compulsory education system benefited all children, including those from ethnic minorities. Over 99 per cent of school-age children were in school. There were subsidies to help attendance, including for boarding-school pupils. In Tibet, RMB 25 million went to provide free board and tuition, benefiting 55 per cent of Tibetan students. A system of resource-sharing among the various government departments was in place and resources were diverted to parts of the country where they were needed for upgrading school buildings.

60. **Mr. Shen** Lin (China) said that all land in China belonged to the State, although it could also be owned by collectives. There was no exception for ethnic minorities. If land needed to be used it was for the good of the local people, who always welcomed such initiatives, and whose rights were always respected. If ethnic minorities did not agree then projects were not pushed through. In a recent example, a power plant cable had needed to be routed through a mountain; an ethnic minority had objected and the route of the cable had been changed.

61. Studies carried out as part of the policy on national equality had brought to light just how many minorities there were in China. The mechanism for identifying minorities was self-identification. Ethnic regions were autonomous, with local governments having extensive rights in the political, social and cultural spheres. Local government officials were all members of the region's ethnic minority, and they were able to take decisions on development programmes and finance. In education, they could follow the national curriculum or their own. More generally, 20 ethnic languages were used on radio and television and numerous hospitals used traditional medicine.

62. **Ms. de Sousa Ferreira** (Macao, China) said that, under the Penal Code, domestic violence could be considered an ordinary offence or a serious offence, depending on the circumstances. Severe injury to the victim, for example, would make it a serious offence. The courts could order coercive measures against defendants. Consultations starting in 2011 had raised public awareness of domestic violence and a bill had been proposed to help victims, using interdepartmental cooperation mechanisms to remove them from harm's way and counsel them on their rights. It was hoped that women would give their input and that the process would be completed by the end of 2014.

63. **Ms. Shin** asked whether health provision covered prisoners. She was thinking notably of human rights activists, one of whom had recently died in prison. She took note

of the number of hospitals that were being built, but she wondered what the State party was doing to address the shortage of doctors.

64. **Mr. Sadi** asked whether the State party could assure the Committee that the one-child policy would be abandoned at some point in the future.

65. **Mr. Marchán Romero** said that he would appreciate it if the State party could provide more details in its next report on how it intended to implement its human rights plan in respect of the Tibet Autonomous Region, and notably with regard to the free exercise of cultural rights and religious expression.

66. **Mr. Wu** Hailong (China) said that the State party would submit its replies to outstanding questions in writing at a later date. He thanked the Committee members for their hard work and their objective and constructive view of China's implementation of the Covenant. That was a reflection of their experience and legal expertise. His delegation would study the Committee's recommendations and turn helpful ideas into policy in light of China's specific conditions. The Covenant provided a principled framework for the progressive realization of economic, social and cultural rights in light of the specific conditions in a given State party, leaving ample policy space for implementation in countries with different levels of social development. China had always maintained that there was no universally applicable model of development and no fixed route to development. China had shown that a country could follow its own road to modernization. The protection of human rights was an important component of social and economic development and could only advance in line with the specific situation in a country and the people's will. The Chinese Government and people had charted a way for human rights development with Chinese socialist characteristics and provided effective protection to 1.3 billion people.

67. **Mr. Schrijver** said that he appreciated the delegation's open attitude and its acceptance that there was always room for improvement in human rights promotion and protection in China. He noted that it was the tenth anniversary of the inclusion of human rights in the Chinese Constitution and that the State party was implementing its second successive action plan. Step by step, China was seeking to close the gap between economic, social and cultural rights and civil and political rights.

68. He nevertheless wished to emphasize one particular point of concern as the dialogue drew to a close. The Committee had received all too many reports of restrictions on the work of human rights defenders and lawyers, and of retaliation against them. He wondered whether that was something that needed to be addressed at the government level.

69. In general he believed that the high quality and competence of the delegation showed that China was making progress. He was also grateful to Chinese civil society and NGOs for their input to the Committee's work.

The meeting rose at 6.05 p.m.

United Nations E/C.12/2014/SR.19

Economic and Social Council

Distr.: General
16 June 2014
English
Original: French

Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the 19th meeting
Held at the Palais Wilson, Geneva, on Friday, 9 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Czech Republic

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-02727 (E) 280514 160614

1402727

Please recycle

The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Czech Republic (E/C.12/CZE/2; HRI/CORE/CZE/2010; E/C.12/CZE/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table*

2. **Ms. Baršová** (Czech Republic) said that she would report on progress in implementing the Covenant. In 2009, the Government had enacted a law against discrimination — both direct and indirect — in employment, social protection, health care, housing and education. In the area of gender equality, the Government Council for Equal Opportunities for Women and Men, made up of civil society representatives, participated in the design of priority measures in that field adopted each year and in the monitoring of their implementation. The new Government's main focus was on increasing the proportion of women in decision-making positions and eliminating gender pay gaps and domestic violence. The mandate of the Public Defender of Rights — or Ombudsman — had been gradually expanded, with human rights issues now being dealt with at the highest levels of government following the replacement of the Commissioner for Human Rights with a Minister for Human Rights and Equal Opportunities. The Social Inclusion Strategy for 2014–2020 established the general anti-poverty policy and set out specific objectives. The Strategy included various action plans for vulnerable groups, such as children, older persons, persons with disabilities and the homeless. A strategy had also been developed on the social integration of Roma and the promotion of their rights.

3. Owing to the economic crisis, austerity measures had been introduced in 2011/12, in particular with a view to rationalizing social spending and preventing benefit fraud. After analysing the results achieved, adjustments would probably be made, including increasing, in the short term, the minimum wage to 40 per cent of the average wage and reintroducing, from 2015, full indexation of retirement pensions. In the area of health, new laws had been passed with a view to modernizing health-care standards and taking better account of patients' rights, including the rights of persons with disabilities, in particular by recognizing the principle of free and informed consent. Policies to deinstitutionalize persons with psychosocial disabilities and reforms to improve access to medical care and ensure the health system's financial sustainability were continuing. Access to education for all, which was essential for the country's development, was promoted through free primary and secondary education and scholarships. Specific education programmes were provided for pupils with special needs arising from their disabilities or social disadvantages. Although high, the proportion of Roma children in special education was decreasing.

4. **Ms. Cong** (Country Rapporteur) asked whether the State party was planning to ratify the Optional Protocol and seek accreditation for the Office of the Ombudsman from the International Coordinating Committee of National Human Rights Institutions. She would also like details concerning the Covenant's incorporation into the domestic legal order. She asked about the effects of austerity measures on social security, of measures to combat discrimination against Roma, persons with disabilities and asylum seekers and of mental health and minority rights policies. Referring to paragraph 15 of the State party's replies to the list of issues (E/C.12/CZE/Q/2/Add.1), she asked for further information on relations between Roma and the rest of the population and on the results of the Crime Prevention Strategy.

Articles 1 to 5 of the Covenant

5. **Mr. Atangana** asked whether courts other than those mentioned in the State party's reply to the first question of the list of issues could invoke the Covenant. He also wished to know whether the State party had reconsidered its position since the Committee's previous concluding observations and now recognized the justiciability of the right to adequate housing, as a recent ruling by the Constitutional Court seemed to indicate.

6. **Mr. Dasgupta** asked what measures the State party was intending to take to increase its contribution to official development assistance (ODA) from the current 0.12 per cent to 0.7 per cent of gross national income.

7. **Mr. Schrijver** enquired about areas of potential conflict between the Covenant and domestic legislation. He wished to know the extent to which the State party promoted economic, social and cultural rights — and human rights in general — in its development assistance programmes.

8. **Ms. Shin** asked whether the Ombudsman's mandate extended to the private sector and in what way it failed to comply fully with the Paris Principles. She noted that the many statistics provided did not reflect the current state of discrimination and made no mention of cases of sexual harassment or discrimination based on sex, something which might indicate a failure of the legal system. She would like more information on the definition of discrimination contained in the 2009 law and on the results of the enforcement of the law. She asked why the State party did not use temporary special measures to accelerate de facto equality between men and women, as provided for by the International Convention on the Elimination of All Forms of Discrimination against Women.

9. **Mr. Sadi** asked whether the 2009 law properly covered the grounds of discrimination set out in article 2, paragraph 2, of the Covenant and what penalties the perpetrators of discriminatory acts were subject to. He would like to know what obstacles to social integration the Roma faced, how the Council for National Minorities functioned in practice, how the Covenant's application was ensured at the regional level, what the results of the austerity measures had been and their impact on the enjoyment of rights, whether the State party provided human rights education in accordance with the principles of the United Nations and the provisions of the Covenant and the reasons why the Office of the Ombudsman did not fully meet the Paris Principles.

10. **Ms. Bras Gomes** asked to what extent the public authorities implemented the recommendations made by the Office of Ombudsman after consideration of the complaints of discrimination submitted to it. She drew the delegation's attention to the Committee's general comment No. 20, which extended the grounds of discrimination to gender identity and economic and social situation, and which might guide the development of a national anti-discrimination framework law.

Articles 6 to 9 of the Covenant

11. **Mr. Ribeiro Leão**, referring to paragraphs 142 and 153 of the State party's report (E/C.12/CZE/2), asked the delegation to define, using examples, the "legal and other regulations" governing safety and health protection at work, and to indicate the number of hours of work per working day.

12. **Mr. Schrijver** said that he would like to know whether the increase in youth unemployment, despite an active employment policy, was the result of austerity measures or other factors. He asked whether a change of policy was possible and feasible.

13. **Ms. Shin** wished to know what the Government was doing to combat gender role stereotypes and asked whether a mechanism existed to ensure equal pay for work of equal value.

14. **Ms. Bras Gomes** asked about the results of policies adopted by the Government to increase labour flexibility. She invited the delegation to provide more information on the adverse affects of the new labour law on the protection of certain groups of workers, in particular young workers. She also asked for further information on the rules governing social security that the Government was planning to apply from 2015. She noted that sickness benefits had been cut by 60 per cent and asked whether the protection of sick people had suffered as a result. She observed that, by cutting the budget of the non-contributory scheme, the Government had shifted from a human rights-based approach to a material needs-based approach.

The meeting was suspended at 11.05 a.m. and resumed at 11.30 a.m.

15. *Mr. Ribeiro Leão (Vice-Chairperson) took the chair.*

16. **Ms. Baršová** (Czech Republic) said that in January 2014 the Government had undertaken to guarantee economic, social and cultural rights on an equal footing with civil and political rights. The Czech Republic had a well-developed system designed to facilitate the participation of minority groups. In fact, there were Government councils dealing with different minorities, such as persons with disabilities and Roma, and made up of representatives of the Government and of the minorities concerned. The Government thus took account of the situation of vulnerable groups when adopting its policies.

17. **Ms. Machačka** (Czech Republic) said that the international instruments ratified by the Czech Republic took precedence over domestic legislation and that most of the Covenant rights were provided for by the Charter of Fundamental Rights and Basic Freedoms of the Czech Republic (the Charter). The Constitutional Court ensured the compliance of laws with the Constitution, the Charter and the international instruments ratified by the Czech Republic. In 2000, the Constitutional Court ruled that the right to housing, although not established under the Charter, should be guaranteed. It was the case that decisions handed down by the lower courts were not monitored centrally, but those courts were nonetheless bound to respect the international instruments ratified by the Czech Republic.

18. Over the years, the mandate of the Office of the Ombudsman, established in 1999, had been extended to include a growing number of human rights protection activities. The Office of the Ombudsman was, amongst other things, the monitoring mechanism established under the Convention against Torture and the national organ responsible for combating discrimination. It was empowered to open investigations, on request or on its own initiative. The authorities were obliged to collaborate with it. It should also be noted that the Act on the Public Defender of Rights was currently being revised and that the Government was considering bringing that institution into line with the Paris Principles.

19. Anti-discrimination legislation passed in 2009 complied with relevant European legislation and covered the following grounds of discrimination: race, ethnic origin, nationality, sex, gender, sexual orientation, gender identity, age, belief and disability. All the grounds of discrimination set out in the Covenant were contained in the Charter. Under that legislation, discrimination included direct and indirect discrimination, harassment, incitement to discrimination and denial of reasonable accommodation for persons with disabilities. Victims of discrimination could bring cases before the courts in order to have their rights restored and claim compensation.

20. **Ms. Baršová** (Czech Republic) said that the Government had decided to conduct widespread campaigns to counter discrimination against Roma, targeting mainly young people and the regions most affected by poverty and unemployment. Government efforts to promote the inclusion of Roma had not yet yielded the expected results, owing mainly to prejudice in society and the Roma's distrust of the Czech authorities. However, various initiatives had been taken at the regional and the European Union levels in that area. The

main body responsible for monitoring the situation of minorities living in the Czech Republic was the Council for National Minorities, consisting of representatives of 14 minorities, including the Roma minority, which met at least four times a year.

21. **Mr. Štěpaník** (Czech Republic) said that, in order to combat racially-motivated crimes, the Government had implemented a strategy to fight extremisms. Thanks to close collaboration between the Ministry of the Interior, the police and intelligence services, most members of neo-Nazi groups had been identified and convicted. In the event of demonstrations by extremists, the police was charged with preventing clashes between extremists and opponents and protecting inhabitants.

22. **Mr. Korčák** (Czech Republic) said that the Criminal Code provided penalties for defamation based on race, nationality and ethnic origin, discrimination against a group and failure to observe the rights and freedoms of a particular group. Motivation based on race, beliefs, political opinion or hatred constituted aggravating circumstances for all offences.

23. **Mr. Velek** (Czech Republic) said that his Government remained committed to ensuring that official development assistance reached 0.7 per cent of gross national income. That goal would, however, be reached later than anticipated. The Government had reformed the system of official development assistance in order to make it more effective and more targeted. Policies in that area were developed by the Ministry of Foreign Affairs and programmes were implemented and monitored by the Czech Development Agency, established in 2008. In 2013, the Czech Republic had been one of the first countries to join the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD). As part of its development strategy for 2010–2017, his Government was carrying out development projects in various countries in order to strengthen good governance and the education system. It had also developed a transition promotion programme based on its experience in the transition to democracy, respect for human rights and the rule of law. The programme, which consisted of various Covenant-related projects, was managed by the Ministry of Foreign Affairs and implemented by non-governmental organizations.

24. **Ms. Baršová** (Czech Republic) said that Czech society was reluctant to apply temporary positive discrimination measures in favour of women. In fact, in certain sectors, in particular the judicial system, where 61 per cent of judges were women, such measures were unnecessary. However, it was true that women were the victims of horizontal segregation, since few women held positions of responsibility and they were poorly represented in Parliament. In order to address that problem, the Government was considering, among other things, introducing a quota system in order to increase women's participation in decision-making.

25. **Mr. Machačka** (Czech Republic) said that the regions and municipalities were obliged to comply with Czech law, of which the Covenant was an integral part. The Charter of Fundamental Rights and Basic Freedoms prohibited discrimination on the grounds of race, colour, faith, religion, national, ethnic or social origin or any other ground or status. Disability was not expressly cited as a ground of discrimination, but it was covered by the phrase "any other ground or status".

26. **Ms. Růžková** (Czech Republic) said that human rights were taught as part of civic education — compulsory at the primary and secondary levels — the aim of which was to instil in children respect for others and the importance of human rights protection. The Government had established an effective network of primary prevention of risk behaviour, consisting of experts who were working to prevent racism, discrimination and school bullying by focusing on interpersonal relations.

27. **Ms. Baršová** (Czech Republic) said that judges, police officers and teachers received human rights training as part of their studies, that campaigns were conducted to

raise awareness among vulnerable groups of their rights and that the Government was currently preparing a campaign to prevent discriminatory behaviour and hate speech among young people, as well as a campaign to combat violence against women.

28. **Ms. Cong** said that she would like to know the budget allocation for the National Action Plan for Inclusive Education and the Strategy to Combat Social Exclusion and the time frame for their implementation. She requested further information on the programmes undertaken by the Agency for Social Inclusion to assist the 164 municipalities identified as being Roma exclusion neighbourhoods and the results of those programmes.

29. **Ms. Shin** said that it was not discriminatory to adopt temporary special measures, such as quotas, to promote women's access to positions of responsibility. However, to prevent such measures from being negatively perceived by the public, the State party must be careful not to apply different selection criteria for men and women and not to favour women who were less qualified than men. However, women with the same qualifications as men should be given preference.

30. **Ms. Bras Gomes** noted that, generally speaking, the more explicitly anti-discriminatory legislation was, the better the protection for rights would be. It was therefore preferable for disability to be explicitly included as a ground of discrimination.

31. **Ms. Baršová** (Czech Republic) took note of Ms. Shin's advice on promoting gender equality. She explained that the National Action Plan for Inclusive Education and the Strategy to Combat Social Exclusion implemented by Agency for Social Inclusion had no specific budgets allocated to them. The aim of those instruments was simply to transfer the know-how that municipalities needed to work more effectively and to improve the social inclusion of excluded population groups. The Agency also assisted municipalities in establishing contacts with the European Social Fund and the European Social Integration Fund with a view to requesting financial support for their projects. The number of social exclusion neighbourhoods had in fact risen from 330 to 400 since 2006. Attempts to improve the situation had not been conclusive as yet and the Government would have to continue working to include Roma and population groups at risk.

Articles 10 to 12 of the Covenant

32. **Mr. Atangana** asked whether, as part of its programme to combat domestic violence, the State party conducted awareness campaigns to encourage victims to lodge complaints.

33. **Mr. Pillay** enquired about the measures taken by the State party to prevent tenants evicted from their homes for non-payment of rent from becoming homeless, the extent of homelessness and the population groups most affected. He wished to know why the State party had taken so long to increase the supply of social housing units, while the Committee had recommended that it took that action in 2002.

34. **Ms. Ravenberg** said that she would like to know which migrant groups were not covered by the public health insurance system, how many people were excluded from the system and what measures the State party was taking to ensure access to adequate health care for long-term residents and vulnerable persons (children, older persons, deaf mutes, persons suffering from mental illnesses, HIV-positive individuals and persons suffering from cancer).

35. **The Chairperson**, speaking in his capacity as a Committee member, asked what the State party understood by the phrase "pathological social phenomena" contained in paragraph 204 of the report, and whether the measures described in paragraphs 220 to 246 were part of a comprehensive anti-poverty programme.

36. **Ms. Bras Gomes** noted that a much higher number of women than men had part-time jobs and asked whether the provision of childcare facilities was sufficient. She observed that persons with intellectual and psychosocial disabilities did not benefit from the State party's deinstitutionalization policy on an equal footing with persons with physical disabilities and she expressed regret that older persons were totally excluded from it. She would welcome the delegation's viewpoint on that matter.

37. **Ms. Cong** said that she would like to know whether persons suffering from mental illnesses who were hospitalized of their own free will were able to refuse recommended treatment and leave hospital when they wished. She asked what the State party was doing to reduce the rates of suicide and early pregnancies among young people and what anti-alcohol and anti-tobacco measures it had taken.

Articles 13 to 15 of the Covenant

38. **Mr. Marchán Romero** asked whether the State party was able to ensure that minority children were provided with education in their mother tongue without creating a system based on segregation. He would like to know the reason for the presence of such a large Vietnamese minority in the State party despite the great distance from Viet Nam and whether that minority had been able to integrate into Czech society without losing its cultural identity.

39. **Ms. Ravenberg** asked whether the State party was planning to enact legislation prohibiting segregation in education on the grounds of disability and legislation establishing the right of children with disabilities to receive inclusive education. She also wished to know whether the Government had taken political and financial measures to ensure that children with disabilities could be catered for in ordinary schools.

40. **Ms. Cong** asked how the State party ensured that "people originating from [a] socially and culturally disadvantaged environment" (para. 89 of the State party report) participated in cultural life.

41. **Ms. Shin** enquired about the measures taken by the State party to fight prejudice against persons with disabilities and asked whether it set annual targets for integrating children with disabilities into ordinary schools.

42. **Ms. Bras Gomes** said that it was her understanding that a large number of measures provided for under the National Plan of Action for Inclusive Education had been delayed or abandoned. She therefore wished to know how the State party ensured that Roma were able to progress economically and socially.

43. **Mr. Mancisidor** invited the State party to provide, in its next periodic report, information on measures taken to implement the provisions of paragraph 15 (b) of the Covenant. He asked whether the Government was aware of statistics published by the OECD indicating that women were not only underrepresented in decision-making positions in the scientific field but were reportedly losing ground, given that they had held 28.5 per cent of positions 10 years ago, compared with 28.2 per cent now.

44. **Mr. Kerdoun** said that he would like to know whether the new Education Act had actually abolished special schools at the elementary level and whether preparatory classes for children from the Roma minority and those from socially and culturally disadvantaged environments had been set up at the preschool level or at the beginning of compulsory education. In the latter case, it would mean that the children concerned had an extra year's schooling.

The meeting rose at 1 p.m.

United Nations E/C.12/2014/SR.20

Economic and Social Council

Distr.: General
15 May 2014

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record (partial)* of the 20th meeting
Held at the Palais Wilson, Geneva, on Friday, 9 May 2014, at 3 p.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

(a) Report submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Czech Republic (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-43382 (E) 130514 150514

1443382

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Czech Republic (continued) (E/C.12/CZE/2; E/C.12/CZE/Q/2 and Add.1; HRI/CORE/CZE/2010)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*

2. **Ms. Korčák** (Czech Republic) said that human rights instruction was included in the one-year training programme followed by prospective police officers before starting their professional careers. Through the State-run Judicial Academy, judges and prosecutors also received extensive human rights instruction, both at the start of their careers and on an ongoing basis.

3. **Mr. Janeček** (Czech Republic) said that the austerity measures had had only a minor impact on the enjoyment of Covenant rights, with only a slight increase evident in the aggregate indicator of persons at risk of poverty and social exclusion. To mitigate the impact of the measures, and also to prevent abuse of the social security system, non-contributory benefits had been made more targeted and means testing had been introduced to limit certain entitlements. Sickness benefit had been reduced from 72 per cent to 60 per cent for persons unable to work for more than 30 calendar days but was unchanged for shorter periods of ill health. Furthermore, the reduction was offset by other entitlement adjustments. The inflation- and wage-indexation of pensions would revert to the original level at the end of the temporary adjustment period.

4. No major adjustments to labour laws either to increase flexibility or to enhance worker protection had been made since the start of the crisis. Following a loss of orders and reduction in projections, one company had opted to switch its employees to part-time hours, with training offered for the remainder of the working week and wage compensation paid by the Labour Office. However, that option was based on already existing legislation and it was difficult to assess the extent to which it had helped, or might help, to save jobs.

5. Prior to 2013 the gross minimum wage had not been raised for six years. However, income tax adjustments had increased net wages. In addition, the lower minimum wage for young persons and persons with disabilities had been abolished. The ultimate aim was to increase the minimum wage to 40 per cent of the general average wage. The recent increase had been discussed with the relevant tripartite council and agreed by all stakeholders. The reference period for working time was 26 weeks, extendible to 52 weeks on the basis of a collective agreement, in line with the European Union Working Time Directive.

6. Youth unemployment had risen significantly and was a major source of concern. A set of measures, including subsidized internships and targeted programmes financed through the European Social Fund, had been developed to pre-empt and address skills mismatches. Targeted measures were also being used to help unemployed women and older persons. To foster more active and effective implementation of labour policy, capacity-building measures, including an 8 per cent increase in the Labour Office's staff, were also being implemented.

7. The Czech Republic had an extensive set of workplace health and safety regulations. Monitoring compliance was one of the main priorities of the State Labour Inspection Office. A Tripartite Council for Occupational Health and Safety had been established to advise the Government, make proposals and coordinate the State's activities, while the

Labour Code enshrined trade unions' right to be consulted on occupational health and safety matters and to appoint individual workplace representatives. Companies adjudged in inspections to be genuinely safe were formally recognized under the Government-led "safe enterprises" certification programme.

8. **Ms. Baršová** (Czech Republic) said that the principle of equal pay for work of equal value was enshrined in Czech legislation. However, the existence of a gender pay gap was undeniable. Pay disparities were monitored closely by the Czech Statistics Office and detailed in the Government's annual report on gender equality. According to Eurostat, the gender pay gap was around 22 per cent. A slight but insignificant improvement had been observed in recent years. The issue was complex, and was linked to the division of household and childcare responsibilities as well as to gender stereotyping. Awareness-raising was essential to break the stereotypical patterns, and a national campaign to promote equality between men and women was therefore planned.

9. **Mr. Sadi** questioned the State party's assertion that the impact of the austerity measures had been minimal, noting that macro-level figures might hide many micro-level vulnerabilities and hardships and did not, therefore, provide an adequate impact assessment. Specific information about the impact of the measures on unemployment among young persons and women would be appreciated. He would also like to know the results of the targeted measures, such as subsidized internships, that had been adopted to combat youth employment.

10. **Mr. Martynov** asked how the minimum wage compared to the minimum subsistence level following the 2013 increase; whether a specific time frame had been established for the further increases needed to raise the minimum wage to 40 per cent of the average wage; and whether the calculations used to determine the minimum wage were based on individual or household needs.

11. **Ms. Shin** asked what system was used to determine the comparative value of different types of work and whether men had assumed a greater share of household and family responsibilities following the campaign to combat gender stereotyping.

12. **Ms. Bras Gomes** asked for information about the impact of the austerity measures on child poverty. Reiterating Mr. Sadi's doubts as to the limited impact of the measures, and referring to an article published by the European Trade Union Confederation which stated that the social security reforms "would lead to a considerable increase in poverty rates", she expressed concern about the shift to a material needs-based benefits allocation system.

13. **Ms. Cong** (Country Rapporteur) asked whether migrant workers had the right to join trade unions and, if so, to what extent they exercised that right; and whether they faced discrimination in access to housing, given the relatively high rental levels. She would also like information about the informal economy.

14. **Ms. Baršová** (Czech Republic) said that the Government received feedback about the effects of its measures from advisory bodies and organizations representing vulnerable groups and took remedial action whenever any disproportionate impact was identified. However, in the Czech Republic austerity measures had been introduced in 2011 and 2012 only, so their long-term impact was unlikely to be visible as yet. Furthermore, some of the measures, such as the reduction in pension indexation, were merely temporary. The social security reforms needed to be evaluated from a comprehensive rather than an individual benefit-based perspective as cuts in one area might be compensated by increased entitlements in another.

15. With regard to methods of determining the comparative value of work, while the principle of fair remuneration existed and specific rules were applied in the public sector, she acknowledged the need to study the issue in greater depth.

16. **Mr. Janeček** (Czech Republic) said that the State party's generally good macro-level figures did not mean that specific micro-level impacts were obscured or ignored. Social assistance and social benefits were one of the priorities for the next period of government, and the problems experienced by young persons would remain a particular priority. Since the measures to combat youth unemployment had been implemented only recently, data attesting to their effectiveness were not yet available. It was important to remember, however, that, for all segments of society, the root cause of the interrelated problems of unemployment and poverty was not the country's social security system or the austerity measures, but the global economic situation.

17. The minimum wage was indexed to the minimum living income standards used to set eligibility thresholds for social benefits. Although the 2013 increase in the minimum wage was lower than the rise in minimum living income, when combined with the effect of tax adjustments, the real wage increase was significantly more generous.

18. **Ms. Baršová** (Czech Republic) said that the campaign to combat gender stereotyping had been launched in 2014 only and it was too soon to assess its impact. The problem was closely linked to the accessibility of childcare and other facilities as well as to the gender pay gap. The tendency was for the higher-wage earner, usually the father, to remain in work while the other parent stayed at home to care for children, and, with increasing frequency, ageing parents also. For that reason a central aim of the campaign had been to promote greater burden-sharing by changing attitudes and patterns of behaviour and encouraging fathers to spend more time with their families. The campaign was supported by efforts to reduce the shortage of affordable care options for preschool children, which also served to sustain the gender imbalance.

19. Gender-based and domestic violence had come to be understood as a serious problem in Czech society only relatively recently. The first national action plan to address such violence had covered the period from 2011 to 2014. The initial plan had undoubtedly increased awareness, knowledge and understanding of the phenomenon, finding that about 90 per cent of victims were women, with children involved as either victims or witnesses in around 80 per cent of cases. A follow-up plan was currently in the drafting stage.

20. Alongside the awareness-raising and information-gathering activities, the national action plan had also provided for the establishment of regional assistance centres where victims could receive immediate support and shelter, including, where necessary, in a secret location. In addition to funding victim assistance, in recognition of the root causes of the problem, in 2012 the Ministry of the Interior had also supported seven NGO projects targeting not the victims but the perpetrators. The Government was considering ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), but had not yet taken any definitive action.

21. **Mr. Štěpáník** (Czech Republic) said that rates of domestic violence were decreasing in the Czech Republic. The police could ban perpetrators of domestic violence from the home and its immediate surroundings for 10 days. The courts could then ban them for one month, and that period could be extended for up to one year if the victim initiated judicial proceedings.

22. **Ms. Grabmüllerová** (Czech Republic) said that social housing initiatives included the construction of new low-rent housing specifically for vulnerable groups as well as a general rental housing programme under which two thirds of newly subsidized housing was also set aside for specific target groups. Housing for the Roma was provided as part of a broader, integrated approach that also focused on education and job creation for the Roma.

Since 2011 the Government had switched the focus of its housing strategy from homeownership to the rental sector. National law set out an exhaustive list of valid grounds on which tenants could be evicted and stipulated that they must be given three months' written notice and be informed about the reason for the eviction and about their right to appeal the eviction in court. The Government subsidized a tenants' association that aimed to establish centres offering free information and legal counselling in all large cities. National law was fully in accordance with the Committee's general comment No. 7, and adequate measures were in force, including control mechanisms to monitor evictions and guarantee non-discrimination. The Government was preparing a new bill on social housing that would set out clear standards in that regard.

23. **Mr. Janeček** (Czech Republic) said that there were currently about 30,000 homeless persons and about 100,000 persons living in unsuitable housing in the Czech Republic. The main factors leading to homelessness included a history of social exclusion, substance abuse, mental disability and a criminal record. Indebtedness combined with other factors was a common cause of homelessness.

24. **Ms. Baršová** (Czech Republic) said that the Human Rights Department was actively participating in the drafting of the new bill on social housing so as to ensure that the bill included a human rights perspective. It was hoped that the bill would be ready by the end of 2014.

25. **Mr. Vymazal** (Czech Republic) said that a new reform of the mental health system provided for deinstitutionalization and the transfer of estab'ishments from remote areas to city centres. The Ministry of Health expected to receive firm support for the reform and was ready to begin its implementation. Since 2000 there had been a large increase in the number of persons receiving outpatient care from mental health establishments, which he believed indicated not an increase in cases of mental illness but rather an increased willingness to seek help.

26. While suicide rates had risen slightly in 2013, overall they had dropped dramatically since the 1970s, thanks in part to improved mental health care and the availability of drugs to treat depression. Migrants from countries outside the European Union were eligible for public health insurance only if they held permanent residency or were employed in the Czech Republic, while their family members remained ineligible. That situation affected about 130,000 persons and should be addressed.

27. The informed, written consent of the patient or legal guardian was required for all hospitalizations or important medical examinations, except in the case of infectious diseases such as tuberculosis. Involuntary hospitalizations of mental health patients must be approved by a court within 24 hours.

28. He did not believe that teenage pregnancy posed a serious problem in the Czech Republic, as the rate had dropped sharply since the 1970s. He recognized the need for more precise statistics in that regard, however. In medical emergencies, patients were treated regardless of whether they had insurance, and the expenses were normally covered by the hospital.

29. **Ms. Baršová** (Czech Republic) said that she was not aware of elderly persons being placed in institutions purely on account of their age, though some did choose to live in accommodation that provided additional services.

30. **Mr. Janeček** (Czech Republic) said that deinstitutionalization and the shift to community-based care was an ongoing process throughout the social services sector and went hand in hand with attempts to improve the quality of social work and build capacity among social workers. In that regard, a bill on social workers was currently being drafted. Many changes were planned to improve the sector, including through new methods of

financing. A workshop on the transformation of institutional care would be held in the coming weeks with the participation of the Office of the United Nations High Commissioner for Human Rights.

31. **Ms. Ravenberg** said that, according to information before the Committee, private health insurance providers sometimes refused coverage to persons they considered to be uninsurable, and in one case a hospital had sued the parents of a premature baby born at the hospital and the court had ordered the parents to pay the equivalent of about 30,000 euros. She asked the delegation to comment on that information.

32. **Mr. Vymazal** (Czech Republic) said that he was not familiar with that particular case but would like to learn more about it. He understood that the issue of eligibility for health insurance could pose a problem and he hoped that improvements would be made to the system.

33. **The Chairperson** reminded the delegation that it could submit additional information in writing within 48 hours after the dialogue.

34. **Ms. Baršová** (Czech Republic) said that in 2013 the Vietnamese community had expressed its desire to be recognized as a national minority and had been officially invited to participate in the Government Council for National Minorities, thereby becoming the fourteenth national minority to be represented in the Council. The Vietnamese had begun migrating to Czechoslovakia in the 1950s as part of work exchange and vocational training programmes established between the two socialist countries. They had quickly adapted to their new surroundings and had integrated into society and prospered. About 29,000 Vietnamese had been counted during the latest census.

35. The Council's terms of reference were contained in the Minorities Act of 2001, and it was intended to facilitate the participation of minorities in decision-making on issues concerning them. The Council comprised 32 members, 18 of whom were members of national minority groups while the remainder were representatives of various government bodies and institutions. Some of the larger national minorities, such as the Polish and Slovak minorities, were allowed to nominate two representatives. The Council met several times per year, and its duties included distributing grants for various projects such as the printing of publications in minority languages. It submitted comprehensive annual reports to the Government on the status of minorities in the country overall and in particular areas. Its reports to the Council of Europe were available for consultation in English.

36. **Ms. Růžková** (Czech Republic) said that, although inclusive education raised difficulties, the Government recognized that it was in the best interests of the child; therefore, schools were obliged to accept all children. However, in practice, not all establishments had the necessary equipment or skilled staff to cater to students with disabilities, partly because schools enjoyed a high degree of autonomy with little accountability to the authorities, staff were not trained to identify special needs and the Government spent less than 5 per cent of gross domestic product on education. Nevertheless, there were currently 70 inclusive schools countrywide and, thanks to European funding, the objective was to reach 1,500 by 2020.

37. In that connection, a new education policy had been designed on the basis of broad consultations and would be submitted to Parliament in June 2014. One billion euros would be allocated to achieving equal access to high-quality preschool, primary and secondary education, especially in areas with higher rates of social exclusion, improving teacher training and introducing new diagnostic tools. Efforts regarding children with disabilities would focus on providing them with more counselling and support throughout their education and assisting their transition from school to the real world. Grants would no longer go to schools but directly to the families themselves. Lastly, steps would also be

taken to change the attitudes of all actors towards inclusive education by gathering best practices and establishing a partnership with the media.

38. **Ms. Baršová** (Czech Republic) said that, in practice, minority-language schools existed only for Poles living in the border area adjoining Poland, although some schools offered bilingual Czech-German instruction. The Government did not view minority-language schools as problematic because the students were bilingual. Furthermore, minority-language schools could only be set up at the request of a given minority that reached a minimum size and density.

39. The education sector was traditionally quite segmented, with women occupying more teaching posts at the primary level than at the secondary or post-secondary levels. Women made up 60 per cent of the university student body and 40 per cent of doctoral candidates; however, very few studied in technical fields. The Academy of Sciences had lodged a complaint with the Public Defender of Rights that women researchers were disadvantaged by the Grant Agency's rules because of their family obligations. The Public Defender had concurred and the Agency had since changed how it awarded grants.

40. **Ms. Shin** asked whether the Government had set an annual target for transforming specialized schools into inclusive schools and, if not, why it did not consider that necessary.

41. **Mr. Marchán Romero**, referring to paragraph 10 of the core document, asked why there was no systematic monitoring or data collection for the Roma given that they were the most distinctive minority in the country.

42. **Ms. Cong** requested information on access to education by the children of asylum seekers and refugees.

43. **Ms. Baršová** (Czech Republic) said that the authorities did not have a comprehensive picture of the Roma community because, under Czech law, individuals were free to choose whether or not to declare their ethnicity in the census and they could also choose more than one.

44. **Ms. Růžková** (Czech Republic) said that children of asylum seekers attended mainstream schools and were entitled to grants if necessary. There was an end target for the establishment of inclusive schools but no interim targets. Local strategic education plans had been formulated, based on a methodology developed by the Agency for Social Inclusion, to ensure all children access to mainstream schools.

45. **The Chairperson**, speaking as a Committee member, asked whether and how the State party ensured that persons who had difficulty accessing information and communication technologies were not being left behind in an increasingly digitalized world.

46. **Ms. Růžková** (Czech Republic) said that European Union funds would be allocated to expanding the Internet network based on the recent mapping by the Ministry of Industry and Trade of areas without broadband. In the light of the digitalization of education, it was especially important for children to have access to online resources.

47. **Ms. Baršová** (Czech Republic) said that her delegation welcomed the additional issues that the Committee had brought to its attention and that the Government would continue its efforts to uphold economic, social and cultural rights.

48. **Ms. Cong** expressed her appreciation for the quality of the delegation's replies, which had made for a fruitful dialogue, as well as her hope that the State party would implement the Committee's concluding observations.

49. **The Chairperson** commended the State party on the frankness and focus of the documents it had submitted to the Committee and on the composition of the delegation. It

was appreciated and useful when States parties not only highlighted their achievements but also admitted to problem areas.

The discussion covered in the summary record ended at 5.25 p.m.